

Amesbury Municipal Council Minutes
Tuesday, November 18, 2008
7:00PM, Town Hall Auditorium

Call to Order – 7:00PM

Pledge of Allegiance – Councilor Lavoie

Roll Call – Stephen Dunford, Robert Gilday, Robert Lavoie, Joseph McMilleon, Allen Neale, Jonathan Sherwood, Mary Chatigny, Roger Benson

Anne Ferguson arrived at 7:05PM

Public Comment

Mayor Kezer gave a quick update on the Hines Bridge. A 225 ton transformer being moved by National Grid on a barge hit the pier portion of the bridge on the Amesbury side. An assessment of the bridge will be done by the end of the week and at that point a determination of what the actual actions will be to get the bridge working. At this point there is not a time line of when the bridge will be open. The public safety of the residents on Deer Island and mutual aide alternate routes has all been covered.

Ted Kyrois, 193 Lions Mouth Road – Mr. Kyrois is opposed to closing the compost site however; if it has to be closed he would prefer another site in Amesbury not Newburyport.

Ray Shockey – Mr. Shockey states on December 11, 2008 at 7:00PM in the Amesbury Town Hall there will be an informational seminar on energy conservation issues. The meeting is supported by the Master Plan Implementation and Oversight Committee and the Amesbury Democratic Committee. It will include a presentation on regional climate change and regional actions necessary to mitigate the problems and actions that homeowners can do to prevent heat loss and promote energy efficiency.

Mario Pinierio, Gardner Street – Mr. Pinierio recommends the council vote against 2008-089 because he feels it is different from the first reading. He also recommends the council vote against 2008-090 because the seniors can not afford an increase in their taxes.

Jane Snow – Fern Ave – Ms. Snow feels the option for 2 additional 5 year extensions on the waste contract is too long of a commitment because the industry of trash collection is constantly changing. She is not in favor of doing away with the split tax rate. The businesses she has talked to told her the split tax rate does not affect them as much as the lack of foot traffic. Ms. Snow has researched in the past various locations for the compost site because she would like to have it moved from the cemetery. She did find out that for various reasons it could not be located at and Allen's Truck Stop and Battis Farm. She hopes that when the DPW is relocated it could be at the same location and not in Newburyport.

Mike Greaney, Orchard Street – Mr. Greaney hopes the councilors will read the new waste contract. He would like to see the compost site cleaned up and possibly moved to a section at Woodsom Farm. Mr. Greaney questioned why the annual report was not yet out.

James Thivierge, Friend Street – Mr. Thivierge encourages the councilors to read the new waste contract and know all the potential exposures and costs. He feels the creation of an Energy Resource Task Force is a positive step that will save money and look at other alternatives.

Council Response to Public Comment

Councilor Ferguson is in complete support of the trash contract that Kendra Amaral and the City of Newburyport have been working on. She feels they have done an amazing job on both the waste and recycling components.

Councilor Lavoie states 2008-089 is exactly the same original bill that was stamped into the Town Clerks Office on October 3, 2008. Councilor Lavoie addressed Ms. Snow's concern that the option for 2 additional 5 year extensions is too long of a commitment because technology is constantly changing. He states that they are only options and the town will decide whether to continue after each 5 year segment. He explains that under the Amesbury charter the Mayor negotiates contracts and the council appropriates money.

Councilor Dunford stated that he toured the police and fire stations and saw first hand the need for repairs to the outside of the buildings and will be supporting 2008-090.

Councilor Chatigny feels the Mayor and his staff have the best interests of Amesbury in mind at all times just as the Council does.

Councilor McMillion spoke in regards to the repairs to the police and fire buildings 2008-090. He knows no one wants to spend money during difficult economic times however; this is a result of incredible neglect. It has become a safety issue. If something is not done now it will cost more in the future.

President Benson commends Mayor Kezer and Mayor Moak for a tremendous waste removal contract.

Licenses and Permits

2008-094 Common Victualler – Plum Island Roasters, 32 Rear Elm Street
Samantha Steven represented Plum Island Coffee Roasters. She states they will be running a specialty coffee house and serving treats from local bakers.

Councilor Sherwood asked if the coffee roasting will be done off site and Ms. Steven confirmed it.

Councilor Ferguson motioned to accept 2008-094 with the usual conditions, Councilor Neale second.
Voted - Unanimous

Mayoral Appointments

2008-097 Appoint Karen Davis – Parks & Rec Commission – term to expire 6/30/13
Karen Davis, 55 Market Street – Ms. Davis looks forward to joining the commission to giving kids safe places to play and activities to keep them busy.

Councilor Lavoie motioned to approve 2008-097, Councilor McMilleon second
Voted Unanimous

2008-098 Appoint Pam Gilday – Cultural Council – term to expire 6/30/11
Councilor Gilday abstained from voting.

Councilor Lavoie motioned to approve 2008-098, Councilor McMilleon second.

Voted – 8 Yes, 1 Abstained (Gilday)

2008-099 Appoint Annmary Connor – Council on Aging – term to expire 6/30/10
Annmary Connor, 17 Linwood Place – Ms. Connor works in long term care and has her Masters in social work. She feels this would be a great opportunity to give back to the Town of Amesbury.

Councilor Neale motioned to accept 2008-099, Councilor Chatigny second.
Voted Unanimous

Second Readings

2008-087 Accept a \$7,500 grant from the Mass Board of Library Commissioners – Mayor Kezer sponsor cont.

President Benson read 2008-087 into the record. Councilor Neale read the recommendation of the Finance Committee to approve as submitted.

Councilor Sherwood motioned to approve 2008-087, Councilor McMilleon seconded.

Roll Call Vote - Unanimous

2008-088 Accept a \$5,000 grant from the Mass Board of Library Commissioners – Mayor Kezer sponsor cont.

President Benson read 2008-088 into the record, Councilor Neale read the recommendation of the Finance Committee to approve as submitted.

Councilor Ferguson motioned to accept 2008-088 as submitted, Councilor Dunford second.

Roll Call Vote - Unanimous

2008-089 Authorize the Mayor to enter into a five year agreement with the option for two additional five year terms for the collection of municipal solid waste and collection and processing of municipal recycling – Mayor Kezer sponsor cont.

President Benson read 2008-089 into the record, Councilor Neale read the recommendation of the Finance Committee to approve as submitted.

Councilor Lavoie feels the contract negotiations for the waste contract were masterful.

Councilor Sherwood asked Kendra Amaral to answer some of the questions brought up at Public Comment. Kendra Amaral stated the 64 gallon carts being provided to residents is part of the contract price. The Town did not want to own the carts and be responsible for distribution, inventory and maintenance of them. She also explained that part of the contract will be curbside collection of yard waste five times a year. Currently the fees do not cover the yearly cost of the compost facility. Discussions are continuing with Newburyport about the possibility of combining efforts regarding the compost facility.

President Benson stated that the council does not control the details of the contract. They certainly can ask questions but if people have questions they need to be directed to the Mayor's office.

Councilor Neale states the reason to go for a five year contract is because the company has capital costs. The capital cost spread over a five year period is less expensive for the town than a three year period.

Councilor Ferguson motion to accept 2008-089 to authorize the Mayor to enter into a five year agreement with the option for two additional five year terms for the collection of municipal solid waste and collection and processing of municipal recycling, Councilor Chatigny second.

Roll Call Vote – Unanimous

Recess 8:05PM

2008-090 To appropriate \$600,000 for Capital Expenditures to the Public Safety Buildings –Mayor Kezer sponsor cont.

President Benson reads 2008-090 into the record.

Councilor Sherwood feels it is important to approve 2008-090. He took a tour of the Fire and Police Department facilities and found dramatic shortcomings with the buildings, extensive water damage. He realizes these are difficult economic times but feels it is important to keep up with the investments every year. This is a bond bill not a direct appropriation of \$600,000 spread out over a 15 year term. He states this is part of the capitol improvement plan. Planning in the long run will save the town money being able to roll along all the improvements so they don't hit all at once. It also fits into the Master Plan because it stresses capitol improvement planning and the importance of maintaining our investment in our facilities.

Councilor Neale read the recommendation of the Finance Committee to approve.

President Benson supports 2008-090. He toured the Fire Department facility 7 years ago and it was deplorable then.

Councilor Lavoie made sure before deciding to vote for this appropriation that the campus location for the public safety buildings are where the Chiefs wanted them and where the Mayor's projections about where the public safety is going to be for the next 15 years. He feels there is only so much deferral you can do with maintenance. The longer you put it off the more costly it is.

Councilor Lavoie moved that 2008-090 be accepted as submitted.

Ordered: that \$600,000 is appropriated for the remodeling, reconstructing and making extraordinary repairs to public safety buildings, including original equipment and related site improvements and that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$600,000 under G.L. c.44, §7 or any other enabling authority; and that the Mayor is authorized to take any other action necessary to carry out this project, Councilor Neale second.

Roll Call Vote – Unanimous

2008-091 Approve payment of prior year invoices from FY09 funds – Mayor Kezer sponsor cont. President Benson read 2008-091 into the record. Councilor Neale read the recommendation of the Finance Committee to approve as submitted.

Michael Basque explained these are invoices that came in after the fiscal year was closed. According to Mass Law in order to pay a bill from a prior year he needs to receive permission from the council.

Councilor Ferguson motioned to approve 2008-091 for payment of prior fiscal year invoices from current fiscal appropriation, Councilor McMilleon second.

Roll Call Vote - Unanimous

2008-092 To reduce the FY09 Budget by \$125,000 – Mayor Kezer sponsor cont.
President Benson read 2008-092 into the record, Councilor Neale read the recommendation of the Finance Committee to approve as submitted.

Councilor McMilleon moved to approve 2008-092 as submitted, Councilor Dunford second.
Roll Call Vote - Unanimous

Public Hearings

2008-061 A Request to accept Riverfront Drive and Cabot Court for Ownership by the Public as a Public Way – Mayor Kezer sponsor cont.
President Benson read 2008-061 into the record.

Councilor Gilday motioned to request 2008-061 moved to the December meeting of the Municipal Council and continue the public hearing, Councilor Dunford second.
Voted - Unanimous

2008-074A An Ordinance to Create an Energy Resources Task Force – Councilor's Sherwood, Chatigny, Dunford and Ferguson sponsor cont.
President Benson read 2008-74A into the record, Councilor Gilday read the recommendation of the Ordinance Committee to approve as submitted.
President Benson opened and closed the public hearing.
Councilor Gilday motioned to approve 2008-074A, Councilor Neale second.
Roll Call Vote - Unanimous

First Readings

2008-095 An Order to hold the Annual Classification Hearing – Mayor Kezer
President Benson read 2008-095 into the record.
Councilor Neale motioned to send 2008-095 to the Finance Committee, Councilor Dunford second
Voted - Unanimous

Councilor Lavoie suggests having the first hour of the Finance Committee a workshop for questions and answers regarding the Annual Classification Hearing.

2008-096 An Order to request the Municipal Council vote to increase the exemption amount of qualified applicants – Mayor Kezer sponsor
President Benson read 2008-096 into the record.
Councilor Neale motioned to refer 2008-096 to the Finance Committee for a public hearing, Councilor Dunford second.
Voted - Unanimous

2008-100 A Request to declare a DPW vehicle surplus – Mayor Kezer sponsor
President Benson read 2008-100 into the record.
Councilor Neale motioned to refer 2008-100 to the Finance Committee, Councilor Dunford second.
Voted - Unanimous

Correspondence

a. President/Vice President Communications

b. Communication from Elected Officials, Boards and Commissions

2008-085 Michael Browne – Master Plan I&O unexpired term to expire 6/30/09

c. Council Communications, Announcements and Committee Reports

Councilor Ferguson stated there will be an Open House for the community to see the new high school on Sunday, January 18, 2009. She also reported on Traffic and Transportation. They have been working on several requests for tree removals, a change in the speed limit along Lake Attitash Way and Beach Road to 20mph and approved 2 temporary handicapped parking spaces in front of St. James Church for use only during services from 8 to 11AM. A 15 minute spot in front of the Newburyport Five Cent Savings Bank on Friend Street was also approved.

Adjournment - Councilor Dunford motioned to adjourn, Councilor McMilleon second.
9:05PM

Respectfully Submitted,
Assistant Town Clerk